IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23239 of 1999

DATED: 30.12.2005

Between:

V.Alwaraiah petitioner

And

APSRTC,

Rep by its Depot Manager,

Macherla Depot, Guntur Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 23239 OF 1999

ORAL ORDER:

This writ petition was filed questioning the action of the sole respondent in withholding a part of terminal benefits payable to petitioner.

The petitioner herein who was working with the respondent corporation as Conductor, retired from service on 31.8.1998 on attaining the age of superannuation. The only grievance of the petitioner is that at the time of his retirement his retirement benefits were not settled and 10% of the Gratuity, salary payable for the Month of August, 1998 and leave encashment amounts were withheld. Hence, the present writ petition.

Learned counsel for petitioner submitted that as on the date of retirement of petitioner, no charge memo was issued to the petitioner nor any departmental proceedings were pending against him and the action of the respondents in withholding the retrial benefits is unjustified and illegal.

A counter affidavit was filed stating that while the petitioner was working as Depot Clerk at Macherla Bus Depot, he along with others was involved in misappropriation of Rs.97,701.50 and after enquiry a charge sheet dated 22.4.1998 was issued to the petitioner and the same was acknowledged by the petitioner on 22.5.1998. It is also stated that at the time of retirement the petitioner has not handed over the charge to his successor officer as such letter dated 4.3.1999 and 4.5.1999 were issued asking the petitioner to hand over the charge and alleged that petitioner neither handed over the charge nor submitted any explanation. Precisely it is stated that due to pendency of the departmental proceedings against the petitioner, and since the petitioner has not handed over the charge to his successor officer, 10 % gratuity, salary for the month of August and leave encashment were withheld.

The learned Standing Counsel for respondent corporation submitted that the respondent corporation is willing to conclude the enquiry expeditiously and to pass final orders in accordance with law and petitioner may be directed to cooperate in the enquiry proceedings. Learned counsel for petitioner agreed for the same.

Since the enquiry against the petitioner is pending and respondent corporation is willing to conclude the same expeditiously, without going into the merits of the matter, the writ petition is disposed of directing the respondents to issue proper notice of enquiry to the petitioner and complete the enquiry within a period of eight weeks thereafter and pass appropriate final orders in accordance with law expeditiously. It is needless to observe that the petitioner is at liberty to challenge the final orders, if he is so aggrieved.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

30.12.2005

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THE HON'BLE MR JUSTICE N.V. RAMANA

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